

MINUTES
YORK COUNTY PLANNING COMMISSION

Regular Meeting
York Hall
February 14, 2001
7:00 PM

MEMBERS

Spencer W. Semmes, Chair
Andrew A. Simasek, Vice Chair
Robert E. Beil, Jr.
Robert D. Heavner
Michael H. Hendricks
Thomas G. Shepperd
Ann F. White

CALL TO ORDER

Chair Spencer Semmes called the meeting to order at 7:00 p.m. All of the members were present except Messrs. Hendricks and Simasek. Staff members present were Timothy C. Cross, Michael S. King, and Olivia D. Wilkinson.

APPROVAL OF MINUTES

Ms. White requested a revision of the minutes of January 10, 2001, and followed with a motion to approve the revised minutes. They were approved by roll call vote of 5:0.

REMARKS BY THE CHAIR

The Chair welcomed visitors and explained the legal mandate of the Planning Commission, its composition of citizen volunteers, and its mission as an advisory body to the Board of Supervisors for land use issues.

CITIZEN COMMENTS

There were no citizen comments.

ZONING ORDINANCE REVISION PROJECT COMMENTS

There were no comments on the Zoning Ordinance Revision project.

PUBLIC HEARINGS

Application No. UP-568-01, Robert G. Hicks: Request for a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an 800 square foot accessory apartment in conjunction with a single-family detached dwelling on property located at 206 Skimino Landing Road and further identified as Assessor's Parcel No. 3-(2)-2B-21. The property is zoned RR (Rural Residential) and is designated for Low-Density Residential uses in the Comprehensive Plan.

Mr. Michael King, with the aid of a video presentation, summarized the staff memorandum to the Commission in which the staff recommended approval. Mr. King added that the homeowners' association's architectural review committee has approved the applicant's design.

Mr. Semmes asked who comprises the committee that approved the design and Mr. King referred the question to the applicant.

Chair Semmes opened the public hearing.

Mr. Robert G. Hicks, 238 North Avenue, Newport News, Virginia, said it is his understanding that approximately 15 homeowners who have purchased homes in the first phase of the development, and the developer, comprise the committee. He said he had received approval in writing from the Skimino Landing homeowners' association.

The Chair closed the public hearing.

Mr. Shepperd commended the staff for seeking input of the homeowners' association and strongly encouraged that they continue to do so. He also credited the developer with having the members of the community involved in the decision-making process at such an early stage of development. Mr. King pointed out Marque Homes is the developer's chosen intermediary to perform certain administrative tasks.

Mrs. White moved the adoption of Resolution PC01-04 recommending approval. It passed unanimously (5:0, Messrs. Hendricks and Simasek absent).

PC01-04

On motion of Mrs. White, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION WITH A SINGLE-FAMILY DETACHED DWELLING TO BE CONSTRUCTED IN SKIMINO LANDING ESTATES

WHEREAS, Robert G. Hicks has submitted Application No. UP-568-01 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the southeast quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-21; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of February, 2001, that it does hereby transmit Application No. UP-568-01 to the York County Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. This use permit shall authorize an accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located in the southeast quadrant of the intersection of Skimino Landing Drive and Pheasant Springs Road and further identified as Assessor's Parcel No. 3-(2)-2B-21.
2. Building plans in substantial conformance with the sketch plan submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 800 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. The combined number of bedrooms in the principal dwelling and the accessory apartment unit shall not exceed five (5).
7. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be comparable with the character of the single-family residence and adjacent properties.
8. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
9. The accessory apartment shall be constructed in conjunction with or subsequent to, but in no case prior to, the construction of the principal dwelling unit.
10. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

Application No. UP-569-01, Richard and Mary Chapman: Request for a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize a 950 square foot accessory apartment in conjunction with a single-family

detached dwelling on property located at 103 Winfree Lane and further identified as Assessor's Parcel No. 25-(27)-1. The property is zoned RR (Rural Residential) and is designated for Low-Density Residential uses in the Comprehensive Plan.

Ms. Olivia Wilkinson, with the aid of a brief video presentation, presented a summary of the staff report to the Commission containing a recommendation of approval.

The chair opened the public hearing.

Mr. Richard Chapman and **Ms. Mary Chapman**, 103 Winfree Lane, offered to answer questions. They stated they have considered adding an interior electric staircase if needed at a later date.

Mr. Heavner inquired if any plans are made for using the lower floor of the garage as living space, and Mr. Chapman said the lower floor of the garage will not be used as a living area but for his mother-in-law's storage area and her vehicle.

Mrs. White inquired if the neighbors have expressed concerns about the proposal or if the proposed building will block someone's view. Mr. Chapman said he and Mrs. Chapman have received generally positive comments because the design and materials are closely coordinated with those of the main residence, and because they are looking out for their mother/mother-in-law. He said the building could block the view of somebody trying to look into their back yard. He said they do not intend to rent it out and would use it only for the stated purpose or, in the future, possibly for grown children.

The Chair closed the public hearing.

Mr. Heavner believed that the Commission should address enforcement because several of this type application have recently been submitted. He thought the Commission should address a way to ensure that such large homes with accessory apartments do not become "multi-family projects." Mrs. White added that enforcement continues to be her concern, as well.

Mr. Shepperd said there are reasons for limitations but there might be an opportunity for an elderly homeowner to draw income from such an accessory apartment. He added that he did not generally support unenforceable conditions.

Mr. Beil inquired about the number of accessory apartments currently existing in the County, and Mr. Cross explained that the County has a record of those that required Board of Supervisors' approval but others are allowed as a matter of right for which there are no formal records. He said the intent of the use permit is to preserve the single-family character of the neighborhood, and the land-use concern is any resulting external impact on the neighborhood. If the neighborhood is negatively impacted, Mr. Cross stated, the neighbors will be expected to complain to the County. He said the Commission can address size limitations and at what size restrictions should be required.

Ms. White moved adoption of Resolution PC01-05 to recommend approval, which carried 5:0 (Messrs. Hendricks and Simasek absent).

PC01-05

On motion of Mrs. White, which carried 5:0, the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION WITH A
SINGLE-FAMILY DETACHED DWELLING AT 103 WINFREE LANE**

WHEREAS, Richard and Mary Chapman have submitted Application No. UP-569-01 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 103 Winfree Lane and further identified as Assessor's Parcel No. 25-(27)-1; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of February, 2001, that it does hereby transmit Application No. UP-569-01 to the York County Board of Supervisors with a recommendation of approval to issue a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, subject to the following conditions:

11. This use permit shall authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 103 Winfree Lane and further identified as Assessor's Parcel No. 25-(27)-1.
12. Building plans in substantial conformance with the preliminary floor plans and building renderings dated received January 3, 2001, submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site.
13. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
14. The accessory apartment unit shall not contain in excess of 950 square feet.
15. The accessory apartment unit shall contain no more than one (1) bedroom.
16. The maximum combined number of bedrooms in the principal dwelling and the accessory apartment unit shall be four (4) unless otherwise specified by the Health Department based on a

finding that on-site water supply and sewage treatment facilities either are not adequate to serve the anticipated number of residents or are adequate to serve a greater number of residents.

17. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
18. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
19. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

NEW BUSINESS

Certify Proposed Capital Improvements Program, FY 2002-2007

Mr. Tim Cross stated that his memorandum to the Commission, dated January 29, 2001, recommended that the Commission review the proposed Capital Improvements Program for Fiscal Years 2002 through 2007 and certify its conformance with the Comprehensive Plan by adopting proposed Resolution PC01-06.

Questions or short discussion ensued about the following items:

- Priority of funding school renovations
- Recreation facilities at Smith landing
- Underground utilities
- Availability and use of New Quarter Park

More extensive discussion on the stormwater drainage projects commenced when Mr. Shepperd asked the amount of Enterprise Funds the CIP proposes for sewer and stormwater services. Mr. Cross did not know the exact amount but noted the development several years ago by the Department of Environmental and Development Services (EDS) of a stormwater management and maintenance plan contained in its stormwater strategic plan. Mr. Shepperd and others subsequently requested a copy of the document, "Strategic Capital Plan for Water, Wastewater, and Stormwater," published in 1997 by the EDS Utilities Division and most recently revised in 1999. Mr. Shepperd expressed his concern that the proposed CIP does not take into account a proposal he said is forthcoming from the Drainage Advisory Committee at the Board of Supervisors meeting on February 20 which, if approved, would result in a significant shift in stormwater drainage project priorities. He indicated that without knowing the prioritization or amount the CIP proposes for stormwater drainage and before the Board acts on the recommendation of the Drainage Advisory Committee, he would be unable to support the staff recommendation. Mr. Cross noted that the Commission is being asked to merely certify that the projects in the CIP are in conformance with the goals of the Comprehensive Plan. Ms. White added

that as the Board receives new data it may determine to re-prioritize the proposed Capital Improvements Plan. Mr. Cross said that is correct, and the Board continues to conduct work sessions related to the FY 2002-2007 budget.

Mrs. White opined that the proposal conforms to the Comprehensive Plan. Mr. Beil stated that the projects, regardless of their priority, do meet the stipulations of the Comprehensive Plan and changing priorities, should the Board do so, will not change that fact. Mr. Semmes noted that the Plan discusses and the County has made a commitment to stormwater management, but it is the Board's duty to allocate capital funds. A vote to adopt the proposed Resolution PC01-06 is a vote agreeing that the funds should be spent, he added.

Mr. Heavner said there are additional [stormwater] projects not mentioned in the staff report and that suggests to him that the Commission should postpone a vote on the proposed resolution to certify.

Mr. Semmes believed that because the resolution does not contain any language specific to the allocation of funds, he could support it, and he did not believe that it should conflict with any recommendation to be made by the Drainage Advisory Committee.

Following discussion about the generality versus specificity of the Comprehensive Plan, Mr. Shepperd reiterated his opposition to the staff recommendation because it does not represent what the Drainage Advisory Committee is expected to propose, and he recommended postponing the vote until March or after the Board has considered its Committee's proposal.

Mrs. White moved the adoption of Resolution PC01-06. It passed by a roll call vote of 3:2 (Messrs. Heavner and Shepperd dissenting, Messrs. Hendricks and Simasek absent).

PC01-06

On motion of Mrs. White, which carried 3:2, the following resolution was adopted:

A RESOLUTION TO CERTIFY CONFORMANCE OF THE PROPOSED YORK COUNTY CAPITAL IMPROVEMENTS PROGRAM FOR FY 2002-2007 WITH THE YORK COUNTY COMPREHENSIVE PLAN

WHEREAS, Section 15.2-2232 of the Code of Virginia requires public facilities to be substantially in accord with the local comprehensive plan; and

WHEREAS, pursuant to Charting the Course to 2015: The County of York Comprehensive Plan, the York County Planning Commission has been requested to review the Capital Improvements Program for conformance with the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of February, 2001, that it does hereby certify the York County, Virginia Proposed Capital Improvements Program for Fiscal Years 2002-2007 as being in conformance with Charting the Course to 2015: The County of York Comprehensive Plan.

STAFF REPORTS

Mr. Cross announced that the Historic Yorktown Design Guidelines are now on the Planning web site. He suggested a meeting for public comment, and the Commission selected March 21 at 7:00 P.M. in the Board meeting room for this public meeting.

Mr. Cross reported that work continues on the Zoning Ordinance Revision Project, although more slowly as new projects have taken staff priority. They include the Yorktown Historic District Guidelines and eating facilities in marinas, which are being considered at this time and for the next several months.

COMMITTEE REPORTS

Mrs. White reported on her attendance at a recent meeting of the Virginia Citizens Planning Association Board of Directors. She recommended the publication, Better Models for Development in Virginia, by Ed McMahon and suggested the Planning library keep a copy on file. She said she has learned through networking with other commissioners what a fine staff York County provides for its Commission. Mr. Shepperd concurred that the staff does an outstanding job, although still short a member.

COMMISSION REPORTS

Mr. Beil asked if the Planning Commission and the Board of Supervisors can resume their periodic meetings. Mr. Cross will check on that.

Mr. Shepperd requested a presentation to the Commission on the salient points about the impact of the Chesapeake Bay Preservation Act on the County. Mr. Semmes noted that he has been informed by staff that some portions of the Comprehensive Plan conflict with the Act, and the staff is working to revise the Plan to bring it into complete conformance. Mr. Semmes asked for a short presentation on the Chesapeake Bay Act at the April meeting. Mr. Cross said he would try to enlist the help of the Environmental and Development Services Department for one of its stormwater management staff members to make the presentation.

FUTURE BUSINESS

Mr. Cross reported on business to come before the Commission in the near future. One such item is amending the Comprehensive Plan, on which the Planning staff is working with the EDS stormwater management staff. He noted that the Chesapeake Bay Local Assistance Board has established a July 1st deadline to adopt the amended Plan, so it should go to the Planning Commission for a May vote prior to which it will probably be necessary to conduct a work session, in Mr. Cross's opinion.

ADJOURNMENT

There being no further business, Chair Semmes called adjournment at 8:30 p.m.

SUBMITTED: _____/s/_____
Phyllis P. Liscum, Secretary

APPROVED: _____/s/_____
Spencer W. Semmes, Chair

DATE: March 14, 2001